



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 08243-98  
2 June 2000

LCDR [REDACTED] EHC USN  
[REDACTED]  
[REDACTED]

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 17 June 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the advisory opinion in finding that the contested civil action report should stand. They found no ambiguous or inflammatory material warranting removal from this report. Since they found that the contested report should stand without modification, they had no grounds to remove your failures of selection by the Fiscal Year 99 and 00 Staff Commander Selection Boards. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure

8243-98



DEPARTMENT OF THE NAVY

BUREAU OF NAVAL PERSONNEL  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

IN REPLY REFER TO

1611  
Ser 834C/981  
17 Jun 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: LCDR [REDACTED] CHC, USN, [REDACTED]

Ref: (a) BCNR memo 5420 Pers-00ZCB of 8 Jun 99  
(b) Superintendent, NPS, ltr 1611 Ser 06/031 of 30 Mar 95  
(c) SECNAVINST 5300.29A

Encl: (1) BCNR file 08243-98 w/Service Record

1. Reference (a) requested comments and recommendations concerning the removal of reference (b), [REDACTED] civil conviction for driving under the influence of alcohol. Enclosure (1) is returned as a matter under the purview of BCNR.

2. By reference (b), LCDR [REDACTED] pled and was found guilty of DUI on 27 Dec 94 by the Municipal Court of Monterey (CA). In accordance with reference (c), all substantiated DUIs shall be appropriately documented via appropriate administrative record entries. LCDR [REDACTED] plea and conviction meets the standard of a substantiated DUI per reference (c). Accordingly, the matter was placed in LCDR [REDACTED] permanent personnel record. As this action is consistent with applicable directives and the handling of similar cases, do not recommend removal of the matter from his record.

3. Should LCDR [REDACTED] present documentation that the civil authorities have overturned their decision in his case, removal of the incident from his record would likely be recommended.

[REDACTED]

Commander, U.S. Naval Reserve  
Director, Personnel Performance &  
Security Division (NPC-83)  
Acting